



California Regional Water Quality Control Board

San Francisco Bay Region



Alan C. Lloyd, Ph.D.
Agency Secretary

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Arnold Schwarzenegger
Governor

Date: May 19, 2005
File No. 01S0259 (CCM)

Borden Chemical, Inc. (woodardnl@bordenchem.com)
Natalie Woodward
41100 Boyce Road
Fremont, CA 94538

SUBJECT: Tentative Order for Amendment of Site Cleanup Requirements for Borden Chemical, Inc. (formerly known as Borden Packaging and Industrial Products)
41100 Boyce Road, Fremont, Alameda County

Dear Ms. Woodward:

Attached is a Tentative Order that would amend Borden's Site Cleanup Requirements (SCR) Order 91-134 to require Borden to submit: (1) an amended data gap workplan, (2) a data gap technical report, and (3) a revised Draft Remedial Action Plan Including Draft Cleanup Standards report (Revised Final RAP) based on current site conditions. Comments on the Tentative Order must be submitted by June 1, 2005, in order to be considered by Water Board staff. We expect the SCR amendment to be issued administratively by the Executive Officer

After reviewing the case file, Water Board staff has concluded that the extent of the soil and groundwater pollution underlying the site has yet to be adequately characterized. Therefore, we are not able to approve of the remedial action plan addendum dated August 19, 1999, prepared by IT Group, and the revised remedial action plan addendum dated March 30, 2001, prepared by MWH Americas. These reports were submitted on your behalf to comply with Task C.1.i. of Order 91-134 and in response to our letters dated February 8, 1999, March 12, 1999, and January 9, 2001. Due to the changes in site conditions, and because soil and groundwater investigations are still ongoing, it would be premature to draft the final SCR Order for site at this time.

Implementation of the Data Gap workplan addendum should lead to the development of the Revised Final RAP for the site. Upon approval of the Revised Final RAP for the site, staff will recommend a final site cleanup order for Water Board adoption.

If you have any questions, please contact Cherie McCaulou of my staff at 510-622-2342 or e-mail at cmccaulou@waterboards.ca.gov.

Sincerely,

Stephen A. Hill, Chief,
Toxics Cleanup Division

Attachment: Tentative Order for Amendment of Site Cleanup Requirements
Cc w/attachment:

Alameda County Water District
Groundwater Resource Division
43885 South Grimmer Boulevard
Fremont, CA 94537
Attn: Steven Inn (Steven.inn@acwd.com)

Fremont Fire Department
Hazardous Materials Division
3300 Capitol Avenue, Building B
Fremont, CA 94538-1514
Attn: Jay Swardenski
Jay swardenski@ci.fremont.ca.us

SLR Consulting
P.O. Box 784
Auburn, CA 95603
Attn: Sandra Ross
(sandalross@sbcglobal.net)

Borden Chemical, Inc.
470 South 2nd Street
Springfield, OR 97477
Attn: David Gibby
(gibbydr@bordenchem.com)

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

DRAFT TENTATIVE ORDER

AMENDMENT OF SITE CLEANUP REQUIREMENTS (ORDER NO. 91-134)

BORDEN CHEMICAL, INC.

for the property located at
41100 BOYCE ROAD
FREMONT, ALAMEDA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter the Water Board) finds that:

1. Water Board Orders: The Water Board adopted site cleanup requirements for this site on September 18, 1991 (Order No. 91-134).
2. Reason for Amendment: Borden Chemical, Inc. (Borden) has submitted technical reports that met the requirements of Tasks a through i of Order 91-134, except the Newark Aquifer Characterization (Task C.1.d) has not yet been met. Also, site conditions have changed, prompting Borden to propose and implement additional remedial investigations to further define the vertical and lateral extent of soil and groundwater pollution, to assess tidal influences, to evaluate the competency of the confining layers, and to refine the conceptual site model.
3. This amendment adds tasks C.1.j, C.1.k, and C.1.l. Task C.1.j requires Borden to submit a Data Gap Investigation workplan amendment for further soil and groundwater investigations to define the extent and pollution underlying the site, and to assess its potential adverse impacts to human health and the environment. Task C.1.k requires Borden to submit a technical report documenting the results of the data gap investigations. Task C.1.l requires Borden to submit a revised Draft Remedial Action Plan Including Draft Cleanup Standards report. Completion of the Task C.1.l will lead to the development of a final site cleanup order for the site, and rescission of Order 91-134.
4. CEQA: This action is an amendment of an order to enforce the laws and regulations administered by the Water Board. As such, this action is categorically exempt from the provision of the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the Resources Agency Guidelines.

5. Notification: The Water Board has notified the discharger and all interested agencies and persons of its intent under California Water Code Section 13304 to amend site cleanup requirements for the discharge, and has provided them with an opportunity to submit their written comments.

IT IS HEREBY ORDERED, pursuant to Section 13304 of the California Water Code, that Order No. 91-134 shall be amended as follows:

Add the following tasks:

C.1.j. DATA GAP INVESTIGATION WORKPLAN AMENDMENT

COMPLIANCE DATE: June 1, 2005

Submit a workplan acceptable to the Executive Officer to fill the remaining data gaps resulting from changes in site conditions. Implementation of the proposed scope of work should lead to the completion of a revised conceptual site model and selection of final remedial actions for the site. The work plan shall include, but not be limited to the following:

- a. Identify remaining suspected source(s), and the presence of DNAPL
- b. Define the vertical and lateral extent of soil and groundwater pollution, and fate and transport of site chemicals
- c. Install an additional Newark Aquifer well and monitor for the presence of site chemicals
- d. Assess tidal fluctuations and determine groundwater flow/hydraulic gradient for shallow zone, intermediate zone and Newark Aquifer
- e. Collect and analyze soil gas samples to evaluate indoor air vapor intrusion
- f. Assess the competency of the confining layers and potential for lateral and vertical plume(s) migration due to pumping operations of the Alameda County Water District
- g. Specify investigation methods and a proposed time schedule

C.1.k. COMPLETION OF DATA GAP INVESTIGATIONS

COMPLIANCE DATE: December 1, 2005

Submit a technical report acceptable to the Executive Officer documenting completion of necessary tasks identified in the task C.1.j. workplan, and the Data Gap Investigation workplan dated December 8, 2004. The technical report should identify source(s) of pollution and define the vertical and lateral extent of pollution down to concentrations at or below typical cleanup standards for soil and groundwater in the Shallow Zone, Intermediate Zone, and Newark Aquifer.

C.1.1. REVISED DRAFT REMEDIAL ACTION PLAN INCLUDING DRAFT
CLEANUP STANDARDS

COMPLIANCE DATE: February 1, 2006

Submit a technical report acceptable to the Executive Officer containing:

- a. Site use history
- b. Source identification and source removal actions
- c. Results of the remedial investigation, including regional and site-specific hydrogeology
- d. Evaluation of the installed interim remedial actions
- e. Feasibility study evaluating alternative final remedial actions
- f. Risk assessment for current and post-cleanup exposures
- g. Recommended final remedial actions and cleanup standards
- h. Revised Self Monitoring Program
- i. Implementation tasks and time schedule
- j. Risk Management Plan
- k. Public Participation Plan or Community Outreach Plan

Items a through g should incorporate the results of all recent investigations. Item e should include projections of cost, effectiveness, benefits, and impact on public health, welfare, and the environment of each alternative action.

Item g should include soil cleanup standards that address leaching of contaminants from soil to groundwater, and an updated evaluation of the vapor intrusion pathway using more recent models and methods. The Water Board document *Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater*, February 2005, may be consulted for these areas.

Items c through e should be consistent with the guidance provided by Subpart F of the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 300), CERCLA guidance documents with respect to remedial investigations and feasibility studies, Health and Safety Code Section 25356.1(c), and State Board Resolution No. 92-49 as amended ("Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304").

Date
Executive Officer

Bruce H. Wolfe

FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ORDER MAY SUBJECT YOU TO ENFORCEMENT ACTION, INCLUDING BUT NOT LIMITED TO: IMPOSITION OF ADMINISTRATIVE CIVIL LIBERTY UNDER WATER CODE SECTION 13268 OR 13350, OR REFERRAL TO THE ATTORNEY GENERAL FOR INJUNCTIVE RELIEF OR CIVIL OR CRIMINAL LIABILITY